

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALICIA HARRIS,

No. C-08-5198 EMC

Plaintiff,

**ORDER RE CASE MANAGEMENT
CONFERENCE STATEMENT**

v.

VECTOR MARKETING CORPORATION,

Defendant.

As reflected in the civil minutes dated November 16, 2009, the Court has scheduled a case management conference for December 16, 2009, at 10:30 a.m. and the parties are to file a joint statement a week prior thereto. Prior to the filing of that statement, the parties shall meet and confer about the best process to resolve expeditiously the issue of Ms. Harris' status as employee versus independent contractor. The parties shall consider employment of the class certification process as one option. *See* 5-23 Moore's Fed. Prac. -- Civ. § 23.82[2] ("On a motion for class certification, the court does not accept the class allegations in the complaint as true, as a court would in connection with a Rule 12(b)(6) motion to dismiss. Instead, the court must make whatever factual inquiries are necessary.") and § 23.84[2] ("A court should make whatever inquiries are necessary to determine

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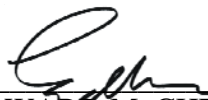
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1 that all the Rule 23 requirements have been met, regardless of whether those determinations overlap
2 with merits issues.”). The joint statement shall be filed on December 9, 2009.

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4 IT IS SO ORDERED.

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6 Dated: November 16, 2009

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9 EDWARD M. CHEN
10 United States Magistrate Judge
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